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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,285	03/21/2001	Billy G. Moon	062891.0577	3978

7590

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EXAMINER

VINCENT, DAVID ROBERT

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 08/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,285

Applicant(s)

MOON, BILLY G.

Examiner

David R Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-17, 20-28, 31-38, 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Ames (US 5,410,732).

Ames discloses a mobile unit (103; col. 9), a plurality of base stations (BS, 102; col. 9), receiving redundant packets (cols 2-4, especially col. 3. lines 1-2) from the mobiles (col. 3, line 50-col. 4, line 36), determining a value for a metric (RSSI or signal strength level, col. 2, lines 61-64; col. 3, lines 59-66), generating a graded packet (packet with signal strength indication and validity indication, col. 3, lines 59-66), send packet to router (GCC, cols. 2-4), evaluate packets and select one cols. 2-4, especially col. 3, line 50-col. 4, line 36), evaluate packet selected in previous step and evaluating the content (checking CRC or validity indication, col. 3, line 59-col. 4, line 36), selecting packet with most common content (checking CRC or validity indication, col. 3, line 59-col. 4, line 36; non-common content reads on error

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packet), expected content (complying with a protocol, or receivers based on reading only data that transmitters can send, e.g., packets comprising ones and zeros and having headers with data such as CRC and signal strength are expected), limited number of states (packets have finite amount of ones and/or zeros and therefore have a limited number of states), control information (CRC or validity indication, col. 3, line 59-col. 4, line 36;1 base station ID, col. 3, or synch data that receivers synchs on), voice content (col. 1, lines 26-37), as specified in claims 1-6, 9-17, 20-28, 31-38, 41-44.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 7-8, 18-19, 29-30, 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ames, as set forth above in view of Garahi (US 2001/0034237).

However, although Ames discloses sending digital data,

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packets and using data radios (col. 1, lines 26-37), Ames fails to particularly call for sending temporally encoded/MPEG data.

Garahi teaches sending temporally encoded/MPEG (sections 52, 72, 75) data in a mobile environment (Fig. 7, 11) wherein handoff and signal strength measurements are used to determine which base station (sections 10-11) is the best to use.


It would have been obvious to modify Ames data radios to send MPEG data for the purposes of sending pictures or video digital data because Ames discloses sending digital data, packets and using data radios and pictures are so called worth a thousand words. For example a technician could send a picture/video of a broken circuit board rather than trying to describe a problem.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703 305 4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David R Vincent
Primary Examiner
Art Unit 2661

August 2, 2004